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OCT - 3 2011

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DORRINS
CLERK, U.S. DISTRICT COURT

Max Liokumovich

(Name of the plaintiff or plaintiffs)

v.

UPS

(Name of the defendant or defendants)

CIVIL ACTION

N

1:11-cv-06935

Judge Blanche M. Manning

Magistrate Judge Sheila M. Finnegan

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Max Liokumovich of the county of

COOK in the state of Illinois

3. The defendant is UPS, whose street address

is 2100 N. Hicks Rd

(city) Palatine (county) COOK (state) Illinois (ZIP) 60067

(Defendant's telephone number) (847) - 705-6025

II The plaintiff sought employment or was employed by the defendant at (street address)

2100 N. Hicks Rd (city) Palatine

(county) COOK (state) Illinois (ZIP code) 60067

5. The plaintiff [check one box]

(a) ☒ was denied employment by the defendant.

(b) ☐ was hired and is still employed by the defendant.

(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) January, (day) _____, (year) 2007.

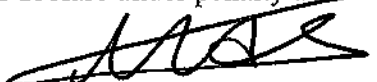
5. ☐ (Check one box) In further support of my motion, I declare that my highest level of education is:

☐ Grammar school only ☐ Some high school ☐ High school graduate
☐ Some college ☒ College graduate ☐ Post-graduate

6. ☒ (Check **only** if applicable) In further support of my motion, I declare that my ability to speak, write, and/or read English is limited because English is not my primary language

7. ☒ (Check **only** if applicable) In further support of my motion, I declare that this form and other complaint forms were prepared with the help of an attorney from the U.S. District Court *Pro Se* Assistance Program.

8. I declare under penalty that the foregoing is true and correct.


Movant's Signature

1973 Kenilworth Circle # F
Street Address

10-3-2011
Date

Hoffman Estates, IL 60169
City, State, ZIP

As indicated in paragraph three on the preceding page, I am currently, or previously have been, represented by an attorney appointed by this Court in the civil or criminal actions listed below.

Assigned Judge: _____	Case Number: _____
Case Title: _____	
Appointed Attorney's Name: _____	
If this case is still pending, please check box <input type="checkbox"/>	

Assigned Judge: _____	Case Number: _____
Case Title: _____	
Appointed Attorney's Name: _____	
If this case is still pending, please check box <input type="checkbox"/>	

Assigned Judge: _____	Case Number: _____
Case Title: _____	
Appointed Attorney's Name: _____	
If this case is still pending, please check box <input type="checkbox"/>	

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

☐ has not ☒ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) 01 (day) 28 (year) 2009.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

(b) If charges were filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO,

but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) September (day) 14 (year) 2011.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) September (day) _____ (year) 2011 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☒ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☒ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☒ failed to promote the plaintiff.
- (d) ☒ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I wrote promotion application, and my holiday days in 2006, but in vain. I submitted my doctor's recommendation to accommodate my medical condition. UPS fired me and refused to rehire. I attached doc notice.

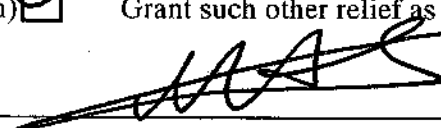
14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☒ Direct the defendant to hire the plaintiff.
(b) ☒ Direct the defendant to re-employ the plaintiff.
(c) ☒ Direct the defendant to promote the plaintiff.
(d) ☒ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
(f) ☐ Direct the defendant to (specify): _____

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
(h) ☒ Grant such other relief as the Court may find appropriate.



Plaintiff's signature

Max Liokumovich

Plaintiff's name

Plaintiff's street address 1973 Kenilworth Circle #F

City Hoffman Estates State IL ZIP 60169

Plaintiff's telephone number 847-454-3399

Date: 10-3-2011

To Whom It May Concern:

My patient and you employee, Maxim Liokumovich suffers from the following medical problems:

- 1) Chronic Low back pain
- 2) Chronic Plantar Fasciitis, Tendonitis, and heel spurs
- 3) Chronic, severe allergies induced by dust and mold
- 4) Dermatitis due to tinea corporis
- 5) Fatigue, Insomnia, and Headaches

I feel strongly that Maxim's symptoms are exacerbated by his work environment, and he is currently unable to work at his position as a package handler due to exposure of airborne allergens, as well as the burden of heavy lifting.

I feel that the patient would best accommodated in an office setting whereby he is not exposed to airborne allergens such as dust and mold, and where he is not responsible for heavy lifting due to his foot and back problems which make it very painful to work in his current position.

The patient has seen an allergist, ENT specialist, podiatrist, and chiropractic specialist all of whom have appreciated his various medical problems; and all of whom agree that the patient needs to modify his work environment to help his medical problems

Please contact me if there are any more specific questions.

Sincerely,



Ashwani K. Garg, MD

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Max Liokumovich
1973 Kenilworth Circle, Apt. F
Hoffman Estates, IL 60169

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7011 1570 0003 6091 8898



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2009-02155

Jacquelyn Harrison,
Investigator

(312) 869-8140

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission


John P. Rowe,
District Director

9/14/11
(Date Mailed)

cc: UNITED PARCEL SERVICE, PALATINE

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

440-2009-02155

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Max Liokumovich

Home Phone (Incl. Area Code)

(847) 882-3742

Date of Birth

Street Address

City, State and ZIP Code

1973 Kenilworth Cir #F, Hoffman Estates, IL 60169

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

UPS PALATINE

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(847) 705-6025

Street Address

City, State and ZIP Code

2100 N Hicks Road, Palatine, IL 60067

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

01-28-2009

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was employed with the above named Respondent from December 2001 through January 2007. I applied for re-employment with the above named Respondent in June 2008. Respondent refuses to re-hire me.

I believe I was discriminated against because of disability, in violation of the Americans with Disabilities Act of 1990, as amended.

FEB 12 2009

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

02-01-09

Date

Charging Party Signature